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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,703	08/13/2001	Ulrich Friedrich	1000/0252PUS1	8886
60601 7590 11/13/2008 Muncy, Geissler, Olds & Lowe, PLLC P.O. BOX 1364 FAIRFAX, VA 22038-1364			EXAMINER AGHDAM, FRESHTEH N	
			ART UNIT	PAPER NUMBER
			2611	
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			11/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed October 15, 2008 have been fully considered but they are not persuasive.

#### **Applicant's Argument(s):**

Regarding claims 1-3, 5, 7, 10, 13-14, and 16-33, page 4, the applicant argues that the claimed invention is not taught or suggested by Schafer "a different modulation index is assigned to each one of the different information symbol, each of the information symbols conveying different type data, and the modulation indices identifying a type of the conveyed data based on an amplitude of the amplitude modulation index".

#### **Examiner's Response:**

In response to the argument set forth above, the examiner disagrees with the applicant because, in fact, Schafer teaches a known/ fixed modulation index (such as 4-QAM) assigned to control information and a variable modulation index to payload information that enables the second transceiver to obtain (or demodulate) the conveyed information (whether it is control information or payload information) see (col. 12, lines 50-67 and col. 13, lines 1-5).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRESHTEH N. AGHDAM whose telephone number is (571)272-6037. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Freshteh N Aghdam/

Examiner, Art Unit 2611

/CHIEH M FAN/

Supervisory Patent Examiner, Art Unit 2611